

UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

IN THE MATTER OF:
ELVIS S. SANTIAGO-DORTA
MARILYN GARCIA-SOTO
Petitioner (s)

CASE NO: 11-01431 SEK
CHAPTER 13

NOTICE OF MODIFY PLAN

TO THE HONORABLE COURT:

COME (S) NOW, debtor(s) through the undersigned attorney and respectfully state(s), allege(s) and pray(s) as follows:

1. Debtors original plan was dated and filed 02-24-2011 (docket #2)
2. That debtor(s) is submitting an amended plan dated April 20, 2011 with this Notice. Therefore debtor propose:
 - a. To eliminate liquidation value.
3. That the plan herein attached complies with the provisions of the Chapter 13 and all other applicable provisions of title 11 of the United States Code. The plan has been proposed in good faith and not by any means forbidden by law. The value as of the effective date of the plan, of property to be distributed under the plan on account of each allowed unsecured claims is not less than the amount that would be paid on such claims if the estate of the debtor were liquidated under chapter 7 of the Bankruptcy Code on such date; and Debtor will be able to make all payments under the plan and to comply with the plan.

WHEREFORE, it is respectfully requested from this Honorable Court to: ORDER THE CONFIRMATION OF DEBTOR(S) AMENDED PLAN ACCORDINGLY.

NOTICE

Within twenty (20) days after service as evidence by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the objection will be deemed unopposed and may be granted unless: (1) the requested relief is forbidden by law. (2) The requested relief is against public policy; or (3) in the opinion of the Court, the interest of justice requires otherwise. If you file a timely response, the court may-in its discretion-schedule a hearing.

WE HEREBY CERTIFY, that on this same date and by regular U.S. Mail, copy of this motion has been sent to Mr. Alejandro Oliveras-Rivera, Esq., Chapter 13 Trustee, P.O. Box 9024062, Old San Juan Station, San Juan, PR 00902-4062 and to all interested parties mentioned in attached master address list.

Respectfully Submitted

In Hatillo to San Juan, Puerto Rico, this April 20, 2011

HATILLO LAW OFFICE, PSC
PO BOX 678
HATILLO, PR 00659
Tel/Fax: (787) 262-4848
hatillolawoffice@yahoo.com

ELECTRONICALLY FILED
S/ Jaime Rodríguez-Pérez,
USDC- PR 221011

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DEBTOR'S VERIFICATION

I (We) declare under penalty of perjury that I (we) had (have) read the foregoing motion and also has been explained to me (us), and that the averments therein contained are true and correct to the best of my (our) knowledge, information and belief.

/s/ ELVIS S. SANTIAGO-DORTA
Date: 04-20-2011

/s/ MARILYN GARCIA-SOTO
Date: 04-20-2011

**United States Bankruptcy Court
District of Puerto Rico**

IN RE:

Case No. **11-01431-13**

SANTIAGO DORTA, ELVIN S & GARCIA SOTO, MARILYN

Chapter **13**

Debtor(s)

CHAPTER 13 PAYMENT PLAN

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee ☒ directly ☐ by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.

PLAN DATED: 4/20/2011 <input type="checkbox"/> AMENDED PLAN DATED: _____ <input checked="" type="checkbox"/> PRE <input type="checkbox"/> POST-CONFIRMATION Filed by: <input type="checkbox"/> Debtor <input type="checkbox"/> Trustee <input type="checkbox"/> Other	
I. PAYMENT PLAN SCHEDULE \$ 270.00 x 12 = \$ 3,240.00 \$ 320.00 x 48 = \$ 15,360.00 \$ _____ x _____ = \$ _____ \$ _____ x _____ = \$ _____ \$ _____ x _____ = \$ _____ TOTAL: \$ 18,600.00 Additional Payments: \$ _____ to be paid as a LUMP SUM within _____ with proceeds to come from: <input type="checkbox"/> Sale of Property identified as follows: <input type="checkbox"/> Other: Periodic Payments to be made other than, and in addition to the above: \$ _____ x _____ = \$ _____ PROPOSED BASE: \$ 18,600.00	II. DISBURSEMENT SCHEDULE A. ADEQUATE PROTECTION PAYMENTS OR _____ \$ _____ B. SECURED CLAIMS: <input type="checkbox"/> Debtor represents no secured claims. <input checked="" type="checkbox"/> Creditors having secured claims will retain their liens and shall be paid as follows: 1. <input checked="" type="checkbox"/> Trustee pays secured ARREARS: Cr. DORAL FINANCIAL Cr. FIRST BANK Cr. _____ # 0077000403 # 00738670765345 # _____ \$ 1.00 \$ 1.00 \$ _____ 2. <input type="checkbox"/> Trustee pays IN FULL Secured Claims: Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____ 3. <input type="checkbox"/> Trustee pays VALUE OF COLLATERAL: Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____ 4. <input type="checkbox"/> Debtor SURRENDERS COLLATERAL to Lien Holder: 5. <input type="checkbox"/> Other: 6. <input checked="" type="checkbox"/> Debtor otherwise maintains regular payments directly to: FIRST BANK DORAL FINANCIAL C. PRIORITIES: The Trustee shall pay priorities in accordance with the law. 11 U.S.C. § 507 and § 1322(a)(2) D. UNSECURED CLAIMS: Plan <input type="checkbox"/> Classifies <input checked="" type="checkbox"/> Does not Classify Claims. 1. (a) Class A: <input type="checkbox"/> Co-debtor Claims / <input type="checkbox"/> Other: _____ <input type="checkbox"/> Paid 100% / <input type="checkbox"/> Other: _____ Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____ 2. Unsecured Claims otherwise receive PRO-RATA disbursements. OTHER PROVISIONS: (Executory contracts; payment of interest to unsecureds, etc.) POOL: \$7,696.20 PRIORITIES: \$0 1) DEBTORS SURRENDER ANY INTEREST IN FAVOR OF AEELA (SAVINGS, SHARES AND DEPOSITS). 2) TAX REFUNDS WILL BE DEVOTED EACH YEAR, AS PERIODIC PAYMENTS, TO THE PLAN'S FUNDING UNTIL PLAN COMPLETION. THE TENDER OF SUCH PAYMENTS SHALL DEEM THE PLAN MODIFIED BY SUCH AMOUNT, INCREASING THE BASE THEREBY WITHOUT THE NEED OF FURTHER NOTICE, HEARING OR COURT ORDER. IF NEED BE FOR THE USE BY DEBTOR(S) OF A PORTION OF SUCH REFUND, DEBTOR(S) SHALL SEEK COURT'S AUTHORIZATION PRIOR TO ANY USE FUNDS.
III. ATTORNEY'S FEES (Treated as § 507 Priorities) Outstanding balance as per Rule 2016(b) Fee Disclosure Statement: \$ 2,700.00	
Signed: <u>/s/ ELVIN S SANTIAGO DORTA</u> Debtor <u>/s/ MARILYN GARCIA SOTO</u> Joint Debtor	

Attorney for Debtor **Hatillo Law Office**

Phone: **(787) 262-4848**

MASTER ADDRESS LIST

SANTIAGO DORTA, ELVIN S
HC 04 BOX 45808
HATILLO, PR 00659

JC PENNEY
GE MONEY BANK
PO BOX 960061
ORLANDO, FL 32896-0061

GARCIA SOTO, MARILYN
HC 04 BOX 45808
HATILLO, PR 00659

LCDO LORENZO LLERANDI BEAUCHAMP
PO BOX 306
ARECIBO, PR 00613

Hatillo Law Office
PO Box 678
Hatillo, PR 00659-0678

ODALYS RIOS REYES
URB JARDINES DE PALO BLANCO
L 11
ARECIBO, PR 00612

AEELA
PO BOX 4508
SAN JUAN, PR 00936-4508

RAMON AGUILAR RIVERA
SECTOR LOS LLANOS
CALLE 5 D 9
ARECIBO, PR 00612

BANK OF AMERICA
PO BOX 15019
WILMINGTON, DE 19886

RAUL CANDELARIA SANCHEZ
URB JARDINES DE PALO BLANCO
L 11
ARECIBO, PR 00612

CHILDRENS PLACE
CUSTOMER SERVICE
500 PLAZA DRIVE
SECAUCUS, NJ 07094

SALLIE MAE
PO BOX 9500
WILKES BARRE, PA 18773-9500

DORAL FINANCIAL
PO BOX 70308
SAN JUAN, PR 00936-8308

SEARS CREDIT CARD
PO BOX 183081
COLUMBUS, OH 43218-3081

FIA CARD SERVICES
PO BOX 15019
WILMINGTON, DE 19886-5019

FIDELITY INVESTMENTS
100 CROSBY PKWY KCL-L
COVINGTON, KY 49015

FIRST BANK
PO BOX 13817
SAN JUAN, PR 00908-3817